REMARKS

In the present application, claims 1-30 are pending. Claims 1, 15, 28 and 29 are independent claims from which claims 2-14, 16-27 and 30 respectively depend. Claims 1, 5, 8, 14-15, 23 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann, U.S. Patent No. 6,363,356 in view of Newman et al., U.S. Patent No. 5,983,245. Claims 2-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Carolan, U.S. Patent No. 6,753,887. Claims 6-7 and 24-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bates et al, U.S. Patent No. 6,037,935. Claims 9-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Philyaw, U.S. Patent No. 6,636,896. Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Chanos, U.S. Patent Application No. 2002/0120507A1. Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bukszar (U.S. Patent No. 6,133,916). Claims 17-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bukszar and further in view of Philyaw. Upon entry of this amendment, claims 1, 15, 28 and 29 will have been amended; claim 12 will have been cancelled. Support for the amendments can be found in the original application as filed on page 5 lines 6 to 20 and elsewhere in the specification. No new matter has been added.

While Applicants do not agree with the grounds for rejection and responses to argument, in the interest of furthering prosecution, Applicants have amended the independent claims to more particularly point out the invention, which renders the stated grounds for rejection moot. Applicants respectfully submit that the claims, as amended, define over the prior art.

Applicant wishes to advise the Examiner that U.S. Patent Applications Nos. 09/894,519 filed June 28, 2001, 09/836,524 filed April 17, 2001, 09/837,904 filed April 19, 2001 and 09/839,784 filed April 20, 2001 are pending. The specifications of some of these

applications share substantially identical portions, or include overlapping material. Moreover, some of the applications have overlapping sets of inventors.

Claim Rejections – 35 U.S.C. 103

Claims 1, 5, 8, 14-15, 23 and 27 have been rejected as being unpatentable over Horstmann in view of Newman. Applicants submit that claim 1 and the claims that depend therefrom are allowable because neither Horstmann nor Newman disclose or suggest all the features of Applicants' amended claim 1.

Amended claim 1 recites:

> A method of branding a computer program comprising the acts of:
>
> receiving an indication that a first copy of a computer program has been downloaded to a first computing device and that said first copy is to be branded with information associated with a first entity, *the first entity comprising a distributor of content to be rendered by the computer program, the computer program comprising a content-rendering and a content-shopping feature;*
>
> transmitting first data indicative of said first entity to said first computing device, said first data indicating that said first copy is to be branded with information associated with the first entity;
>
> receiving said first data from said first computing device; and
>
> providing first branding instructions to said first computing device in response to receiving said first data, said first branding instructions comprising placing said first entity first in a list of electronic content-providing entities displayed on said first computing device *in the content-shopping feature of the computer program.*

(emphasis added).

Neither Horstmann nor Newman, alone or in combination disclose or suggest at least the non-obvious italicized features of amended claim 1. Horstmann discloses a mechanism whereby a referrer may be identified at the time of purchase in a download-then-pay system. A referrer identifier is added to software when the software is downloaded. When purchased, the referrer identifier is retrieved from the computer to which the content was downloaded. "Marking the software product with the identity of the referrer ensures that credit is given to the referrer when and if the software product is purchased." (See Horstmann column 3, lines 5-8). Newman discloses a method for generating universal resource locator links in a graphical user interface based HTML file. Once a picture object or text is selected, a menu is presented of the most recently used URLs.

In contrast, in Applicants' claim 1, in response to branding instructions associated with a distributor of content to be rendered by downloaded content-rendering/content-shopping software, the distributor is displayed first in a list of electronic content-providing entities displayed in the content-shopping feature of the computer program.

Similarly, Applicants' amended claim 15 recites analogous features. Hence, for the reasons cited above, Applicants respectfully request the withdrawal of the § 103 rejections of claims 1 and 15, and claims 5, 8, 14, 23 and 27 which depend therefrom.

Claims 2-4 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Carolan. Applicants submit that claims 2-4 are allowable as depending from allowable claim 1 for the reasons described above. Carolan does not cure the deficiencies of Horstmann and Newman. Carolan describes a method to enable branding indicia of a selected ISP to be presented through a user interface associated with client software. As neither Horstmann nor Newman nor Carolan alone or in combination disclose or suggest all the features of Applicants' amended claim 1, from which claims 2-4 depend, Applicants submit that claims 2-4 are allowable and request the withdrawal of the 103 rejection of claims 2-4.

Claims 6-7 and 24-26 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bates. Applicants submit that claims 6-7 are allowable as depending from allowable claim 1 and claims 24-26 are allowable as depending from allowable claim 15 for the reasons described above. Bates does not cure the deficiencies of Horstmann and Newman. Bates is directed to a web page exploration indicator that displays to a user the degree of exploration for a web page or for one or more links on a web page. Bates does not disclose or suggest at least "providing first branding instructions to said first computing device in response to receiving said first data, said first branding instructions comprising placing said first entity first in a list of electronic content-providing entities displayed on said first computing device" as recited by amended claim 1 and analogously in claim 15. As neither Horstmann nor Bates disclose or suggest all of the above discussed features of Applicants' claims 1 and 15, from which claims 6-7 and 24-26 depend, Applicants submit that claims 6-7 and 24-26 are allowable and request the withdrawal of the 103 rejection of these claims.

Claims 9-10 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Philyaw. Applicants submit that claims 9-10 are allowable as depending from allowable claim 1 for the reasons described above. Philyaw does not cure the deficiencies of Horstmann and Newman. Philyaw discloses a method for connecting a user PC on a user node on a primary network to a remote node on the network. As neither Horstmann nor Newman nor Philyaw disclose or suggest all of the features of Applicants' amended claim 1, from which claims 9-10 depend, Applicants submit that claims 9-10 are allowable and request the withdrawal of the 103 rejection of these claims.

Claims 11-13 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Chanos. Applicants submit that claims 11-13 are allowable as depending from allowable claim 1 for the reasons described above. Chanos does not cure the deficiencies of Horstmann and Newman. Chanos discloses an advertisement that enables a consumer to find, request or send information related to an advertised product or service. As neither Horstmann nor Chanos disclose or suggest all of the features of Applicants' amended claim 1, from which claims 11-13 depend, Applicants submit that claims 11-13 are allowable and request the withdrawal of the 103 rejection of these claims.

Claim 16 has been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bukszar. Applicants submit that claims 16 is allowable as depending from allowable claim 15 for the reasons described above. Bukszar does not cure the deficiencies of Horstmann and Newman. Bukszar discloses a system for displaying and accessing information such as HTML web pages. As neither Horstmann nor Newman nor Bykszar disclose or suggest all of the features of Applicants' claim 15, from which claim 16 depends, Applicants submit that claim 16 is allowable and request the withdrawal of the 103 rejection of this claim.

Claims 17-22 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bukszar and further in view of Philyaw. Applicants submit that claims 17-22 are allowable as depending from allowable claim 15 for the reasons described above. As described above, neither Bukszar nor Philyaw cure the deficiencies of Horstmann and Newman. As neither Horstmann nor Newman nor Bykszar nor Philyaw, alone or in combination, disclose or suggest all of the above discussed features of Applicants'

claim 15, from which claims 17-22 depend, Applicants submit that claims 17-22 are allowable and request the withdrawal of the 103 rejection of these claims.

Claim 28 has been rejected as unpatentable over Kikinis et al. in view of Newman. Amended claim 28 recites:

> A method for distributing a variation of software through one of a plurality of entities, comprising:
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> providing a standardized version of software from a first entity and an indication that said standardized version of software is to be branded, *said first entity comprising a distributor of content to be rendered by a content-rendering program, the content-rendering program comprising a content-shopping feature for purchasing content to be rendered; and*
>
> providing a customized version of said software as a function of one of a plurality of entities, said customized version of said software being branded *by placing said first entity first in a list of content-providing entities displayed in the content-shopping feature of said content-rendering program.*

(emphasis added). Kikinis describes a vending machine that dispenses software to a PDA in one of several modes. The version of software dispensed to the PDA may be based on a unique feature of the PDA, such as serial number or other code. Newman discloses a method for generating universal resource locator links in a graphical user interface based HTML file. Once a picture object or text is selected, a menu is presented of the most recently used URLs. As neither Kikinis nor Newman, alone or in combination disclose or suggest at least the non-obvious, italicized features of Applicants' claim 28, Applicants respectfully request the withdrawal of the 103 rejection of claim 28.

Independent claim 29 recites features analogous to those recited in claim 1, hence Applicants submit that claim 29 is allowable as is claim 30 which depends therefrom and respectfully request the withdrawal of the 103 rejection of claims 29 and 30.

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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